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ELABORATION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Statement submitted by the Commission for the Defence of Human Rights in Central America, a non-governmental organization in consultative status with the Economic and Social Council, category II

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 29 and 30 of Economic and Social Council resolution 1296 (XLIV) of 23 May 1968.

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The Commission for the Defence of Human Rights in Central America (CODEHUCA) joins with Central American women in calling for the adoption of an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

The international community, at recent global conferences such as the World Conference on Human Rights at Vienna and the Fourth World Conference on Women at Beijing, has referred to women's vulnerable situation and to the need for effective safeguarding of their human rights.

States recognized and declared at Beijing that the status of women has advanced in some important respects in the past decade but that progress has been uneven, inequalities between men and women have persisted and major obstacles remain, with serious consequences for the well-being of all people.

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They also referred to the need to refine the mechanisms of protection for safeguarding women's fundamental rights and freedoms and the need for States to withdraw their reservations to the Convention on the Elimination of All Forms of Discrimination against Women.

In fact, because of the urgent need to establish mechanisms for filing complaints and protecting the rights set forth in the Convention, the idea of drafting an optional protocol to the Convention is steadily gaining support. This would respond to the wishes expressed by the community of nations at the various global conferences and would also be a positive response to the demands put forward by women's movements within civil society.

The protocol would provide a practical remedy against the inequality and discrimination suffered by women across the social spectrum and throughout the world.

The adoption of the Convention on the Elimination of All Forms of Discrimination against Women was a milestone in the history of international human rights law. However, the protective mechanisms provided by the Convention are inadequate. The adoption of an optional protocol would therefore mark qualitative progress in the promotion and protection of women's human rights.

Women's experience since the adoption of the Convention has been that establishing specific rights is not enough and that there is an urgent need to create and put together flexible mechanisms for responding effectively to actual complaints of violations of individual and collective rights, in order to protect the fundamental rights and freedoms set forth in the Convention and other instruments. This is especially important in cases where such a response can influence whether or not a woman, or several women, will live or die.

As a result, it is important that the organ receiving complaints should be aware of women's role in contemporary societies and of the prevailing factors of discrimination and inequality.

One possible model for the functioning of such an organ could be that provided in the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, which forms part of the protection mechanisms established within the inter-American system.

The positive international reaction to the Inter-American Convention demonstrates clearly the global need for such instruments. It is important that we women should be able to make our human rights enforceable, but it is still more important that we should seize the means to make those rights effective. Neither domestic law nor international norms can be allowed to remain a dead letter. It is our responsibility to make them effective, but we lack the necessary means and that is why we are calling for the adoption of an optional protocol.

Moreover, both the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination have more elaborate protection mechanisms than the Convention on the Elimination of All Forms of Discrimination

against Women. This points clearly to the existence of a double standard in international human rights law which always works to the detriment of women when it comes to protecting women's basic human rights.

CODEHUCA believes that, in calling for the adoption of an optional protocol, women are demanding respect for their life, liberty, integrity and, above all, human dignity. That is why we are joining with the movement of society in general and women in particular to advocate the drafting and adoption of an optional protocol to the Convention. This would fill an international legal vacuum and an obvious social need: the defence of women's human rights.